

1 AN ACT concerning name changes.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 21-101 as follows:

6 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

7 Sec. 21-101. Proceedings; parties. If any person who is a  
8 resident of this State and has resided in this State for 6  
9 months desires to change his or her name and to assume another  
10 name by which to be afterwards called and known, the person may  
11 file a petition in the circuit court of the county wherein he  
12 or she resides praying for that relief. If it appears to the  
13 court that the conditions hereinafter mentioned have been  
14 complied with and that there is no reason why the prayer should  
15 not be granted, the court, by an order to be entered of record,  
16 may direct and provide that the name of that person be changed  
17 in accordance with the prayer in the petition. The filing of a  
18 petition in accordance with this Section shall be the sole and  
19 exclusive means by which any person committed under the laws of  
20 this State to a penal institution may change his or her name  
21 and assume another name. However, any person convicted of a  
22 ~~felony, misdemeanor criminal sexual abuse when the victim of~~  
23 ~~the offense at the time of its commission is under 18 years of~~  
24 ~~age, misdemeanor sexual exploitation of a child, misdemeanor~~  
25 ~~indecent solicitation of a child, or misdemeanor indecent~~  
26 ~~solicitation of an adult~~ in this State or any other state who  
27 has not been pardoned may not file a petition for a name change  
28 until 10 years have passed since completion and discharge from  
29 his or her sentence. A person who has been convicted of  
30 identity theft, aggravated identity theft, felony or  
31 misdemeanor criminal sexual abuse when the victim of the  
32 offense at the time of its commission is under 18 years of age,

1 felony or misdemeanor sexual exploitation of a child, felony or  
2 misdemeanor indecent solicitation of a child, or felony or  
3 misdemeanor indecent solicitation of an adult, or any other  
4 offense for which a person is required to register under the  
5 Sex Offender Registration Act in this State or any other state  
6 who has not been pardoned shall not be permitted to file a  
7 petition for a name change in the courts of Illinois. ~~A person~~  
8 ~~who is required to register as a sex offender under the Sex~~  
9 ~~Offender Registration Act may not file a petition for a name~~  
10 ~~change until the person is no longer under a duty to register~~  
11 ~~under that Act.~~ A petitioner may include his or her spouse and  
12 adult unmarried children, with their consent, and his or her  
13 minor children where it appears to the court that it is for  
14 their best interest, in the petition and prayer, and the  
15 court's order shall then include the spouse and children.  
16 Whenever any minor has resided in the family of any person for  
17 the space of 3 years and has been recognized and known as an  
18 adopted child in the family of that person, the application  
19 herein provided for may be made by the person having that minor  
20 in his or her family.

21 An order shall be entered as to a minor only if the court  
22 finds by clear and convincing evidence that the change is  
23 necessary to serve the best interest of the child. In  
24 determining the best interest of a minor child under this  
25 Section, the court shall consider all relevant factors,  
26 including:

27 (1) The wishes of the child's parents and any person  
28 acting as a parent who has physical custody of the child.

29 (2) The wishes of the child and the reasons for those  
30 wishes. The court may interview the child in chambers to  
31 ascertain the child's wishes with respect to the change of  
32 name. Counsel shall be present at the interview unless  
33 otherwise agreed upon by the parties. The court shall cause  
34 a court reporter to be present who shall make a complete  
35 record of the interview instantaneously to be part of the  
36 record in the case.

1           (3) The interaction and interrelationship of the child  
2           with his or her parents or persons acting as parents who  
3           have physical custody of the child, step-parents,  
4           siblings, step-siblings, or any other person who may  
5           significantly affect the child's best interest.

6           (4) The child's adjustment to his or her home, school,  
7           and community.

8           (Source: P.A. 88-25; 89-192, eff. 1-1-96; 89-462, eff.  
9           5-29-96.)